IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23741 of 2007(B)

OS.46/2004 of MUNSIFF COURT, ALATHUR

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PETITIONER:

RAVEENDRAN, S/O PAZHANIMALA,
AGED 43 YEARS, RESIDING AT KALTHILTHODI,
VADAKKUMPURAM, PERINGOTTUKURUSSI,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. SAKUNTHALA, D/O PAZHANIMALA,
AGED 47 YEARS, RESIDING AT PUTHANPURA VEEDU,
AGRAHARAM, PERINGOTTUKURUSSI AMSOM AND DESOM,
ALATHUR TALUK.

2. KANAKALATHA ALIAS LATHA,
D/O PAZHANIMALA, AGED 39 YEARS, RESIDING AT
PUTHANPURA VEEDU, LAKKIDI PERUR,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

3. SHEEJA, D/O PAZHANIMALA,
AGED 33 YEARS, RESIDING AT ERUVILAMKADU,
CHULANOOR AMSOM DESOM, ALATHUR TALUK,
PALAKKAD DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.23741 OF 2007 B

Dated this the 3rd August, 2007.

JUDGMENT

This writ petition is filed challenging the order of the District Judge, Palakkad in refusing to condone the delay of 630 days in filing the appeal. The suit was one for partition and a preliminary decree had been passed. The contention of the petitioner is that he was away at Ooty and therefore he could not file the appeal in time. Just because a person is employed outside, it does not give a special ground for him to file the appeal whenever he chooses to do so. There must be sufficient reason. One cannot think that he was not in a position to visit the native place at all for more than two years. Further there will be some relatives as well. Without proper reasons delay cannot be condoned. There is gross negligence on the part of the writ petitioner. Therefore the court below has only applied its mind in the correct perspective and arrived at a proper decision, which does not call for an interference. Therefore writ petition lacks merit and is dismissed.

M.N.KRISHNAN

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Judge

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